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MEMORANDUM

To: Executive Directors, Managers and Supervisors

From: Summer White, Insurance Specialist

Re: Vehicle Policy

Date: September 10, 2010

Attached is a copy of the new Tulalip Tribes Motor Vehicle Policy and Procedures. Please distribute to your employees who drive tribal vehicles. It regards the following:

- Authorized use of Policy
- Insurance / Reporting of Accidents
- Vehicle Maintenance
- Purchase and Disposal of vehicles

Thank you.

TULALIP TRIBES
MOTOR VEHICLE USAGE POLICY AND PROCEDURES
REVISED 2010

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Purpose:

To establish a safe Motor Vehicle Policy for the Tulalip Tribes This policy provides to all Tulalip Tribes employees and persons authorized to use vehicles belonging to the Tulalip Tribes the policies and procedures governing the use of motor vehicles, services, and driver responsibilities while performing assigned duties of the Tulalip Tribes. This policy is applicable to Tulalip Tribes departments and agencies, including Quil Ceda Village and any persons authorized to use vehicles belonging to, leased by, or assigned to the Tulalip Tribes.

**SECTION I
DEFINITIONS*****Policy Terms / Definitions:***

- a. "Vehicle Title, Registration, License Plates and Insurance Program"*** of the Tribes means the program that manages the licensing and insurance of all Tribal government vehicles and which issues all vehicle titles, registrations, license plates and insurance identification cards.
- b. "Driver"*** means any Tulalip Tribes employee, contractor, consultant, intern, student, teacher, intermittent employee, administratively determined emergency worker, and volunteer in the office of education programs or health service programs who is required either as a condition of employment or incidentally in support of a primary job function to operate a motor vehicle, or any other person or agency assigned the use of a tribal vehicle.
- c. "Commercial Operator"*** means an employee who operates a commercial vehicle and is required to possess a Commercial Driver's License (CDL).
- d. "Commercial Motor Vehicle"*** means a wheeled vehicle propelled or towed behind or by a motor of any type having gross vehicle weight rating of more than 26,000 pounds, a vehicle towing that has a total weight of 10,000 pound or more, a vehicle hauling hazardous material requiring the vehicle to be placarded, a vehicle designed to transport 15 or more people including the driver, and school buses. These vehicles can only be legally operated by someone with a valid Commercial Driver's License (CDL).
- e. "Motor Vehicle"*** means a wheeled vehicle designed to transport less than 15 people, which does not haul hazardous materials or tow vehicles, which is propelled by a motor of any type or is designed to be pushed or towed by a vehicle of any type and any other **tribal vehicle or equipment** propelled by a motor of any type.
- f. "Official Duties"*** mean duties of record documented in the official position description and those otherwise assigned by a manager or supervisor.
- g. "Assigned Motor Vehicle"*** means a vehicle assigned to a Department or Tribal employee.
- h. "Tribal Vehicle"*** means any motor vehicle owned, leased or operated by the Tulalip Tribes.
- i. "Temporary Assignment"*** means a vehicle temporarily assigned for a period of less than one month.
- j. "Assigned Take Home Vehicle"*** means a Tribal vehicle which is used by the Tribal employee for Tribal business and for regular commute to and from employee's home to work station.

k. "Accident" means any loss of or damage by or to any tribal vehicle or other vehicle or to person where a tribal vehicle is involved in any way.

SECTION II AUTHORIZED USE OF VEHICLES

1. Valid Driver's License

All Tribal employees and/or authorized Drivers must possess and present a valid Washington State Driver's license to the Human Resources Department at time of hire for positions that require that employee to drive and, give a copy of the license to the Licensing and Insurance program coordinator and indicate which Department they will be driving for.

If for any reason an employee has their license cancelled, suspended or revoked, oral notice must be given to their manager or supervisor within 5 days of suspension or revocation of license. The manager or supervisor is then required to withdraw permission from allowing that employee from driving tribal vehicles.

2. Authorization and Use of Assigned Vehicles

Motor vehicles may be assigned to a single employee or person, or retained within a Tribal Department for use by several employees or persons at the Department manager's discretion.

Vehicles that are used by a Department for specific duties or purposes and purchased with Department funds may be permanently assigned to that manager's Department.

Tribal vehicle use by anyone for personal reasons is prohibited. Vehicle use authorized by the Department managers shall be limited to Tribal business purposes only; except under the circumstances outlined in Section 3 below.

3. Take Home Policy for Vehicles

The Tulalip Tribes restricts the personal use of Tribal motor vehicles. Take home vehicle assignment must be authorized by the Tribal employee's manager. Non-employee must first have written approval of a Tribal Department manager. Authorization for home vehicle assignment may be authorized for:

a. Emergency Response: Take home vehicles may be assigned to Tribal employees who are responsible for emergencies which require immediate response to protect life or property and/or cannot use alternative transportation to respond to emergencies.

b. Temporary Assignment of Vehicle: A vehicle may be assigned to a Department or individual on a temporary basis. Temporary assignment shall be for a minimum of one day but not to exceed one month.

c. Occasional Usage of Tribal-Owned Vehicles: Occasional overnight usage of a Tribal-owned vehicle is permitted. *Such occasional usage of a Tribal vehicle may occur when an employee or other person conducts Tribal business away from employee's normal place of work, and outside employee's normally scheduled workday.*

d. Community Activities and Cultural Use: Tribal Department managers may assign and approve vehicle usage for community and cultural events. *The driver of a vehicle assigned for use by the community and cultural groups must be a tribal employee, or authorized driver, and must possess a valid Washington State Driver's License.*

4. Consequences for Unauthorized Use of Vehicles

Unauthorized use of Tribal vehicles is a major offense under the Tulalip Tribes HRO 84. Any violation of this policy shall be considered an unauthorized use of a tribal vehicle.

5. Passenger Policy

Passengers shall be responsible for any damage they cause to the vehicle and any equipment or materials contained in the vehicle.

6. Use of Seat Belts

The driver and passengers of Tulalip Tribes' vehicles shall wear seat belts at all times while the vehicle is being operated.

7. Smoking Prohibited

Smoking in Tribal vehicles owned, leased, rented, or otherwise, is *prohibited* by this policy.

8. Traffic Violations

Vehicle parking and moving citations are the responsibility of the vehicle operator. Citation fines shall be paid or appealed in a timely manner. Serious or repeated traffic violations may prohibit the employee from further driving a tribal vehicle.

9. Intoxicants

Possession or consumption of all intoxicating substance is prohibited when driving or riding in a tribal vehicle.

10. Driving off-Reservation / Tribal Licensing

Occasionally drivers have been stopped by law enforcement agencies and have been questioned about the legitimacy of tribally licensed vehicles. These incidents should be reported to the Licensing and Insurance program so that complaints can be filed with the law enforcement agency.

All tribal vehicles are legitimately owned, licensed, and operated by the Tulalip Tribes pursuant to the Tribes' Licensing and Registration Ordinance 5 121 and by Washington State RCW 46.16.020.

The Tulalip Tribes Police Department and/or the *Licensing and Insurance program* can verify that tribal vehicles are licensed according to Washington State and Tribal laws. A letter issued by the *Licensing and Insurance program* is also available to Drivers which can be placed in the glove box of assigned vehicle and can be shown to law enforcement.

The Tulalip Police Department shall be provided on a quarterly basis a list of current Tribal government owned vehicles by the Licensing and Insurance program.

11. Use of tribal Vehicles by a person who is not a Tribal Employee

Only persons who are Tribal Employees may use or operate a Tribal Vehicle, except as provided in this section. Tribal employees, who have authorized or permitted persons not tribal employees to use or operate Tribal Vehicles when the non-employee has not complied with this provision, shall have made "unauthorized use of tribal property" as that provision is set out in Tulalip Ordinance HRO84, a major offence.

Prior to any use or operation of a tribal vehicle by a person who is not a tribal employee, the tribal employee supervisor or manager who has responsibility for the vehicle shall provide to the office of the Reservation Attorney copy of the following:

1. The current, valid, Washington State driver's license of the non-employee driver.
2. The current, valid, certificate of insurance of the non-employee driver showing automobile operator's insurance meeting the minimum standards of Washington State.
3. Current criminal background check.

SECTION III INSURANCE / REPORTING OF ACCIDENTS

1. Insurance Coverage

Any authorized Tulalip Tribes employee or authorized driver acting in good faith within the scope of his or her employment, authorization or duties is covered by the Tribal insurance program while driving a Tribal vehicle. **(Employees driving their own personal vehicles while on official Tribal duty are advised that their own insurance applies if they are involved in an accident or incident).**

2. Accidents and Incidents

All accidents and damage in Tribal vehicles owned, leased, rented, or otherwise, must be reported immediately to the *Licensing and Insurance program*. All on-duty incidents involving a Tribally-owned, rented, or leased vehicle that could result in a violation, citation, charge, arrest, warrant, or civil action must immediately be reported to the that employees' manager or a non-employee must report any incidents of such to the manager who authorized use of that vehicle.

All incidents involving: a Tribal vehicle owned, rented, or leased, and the use of controlled substances or intoxicating beverages; or impairment resulting from prescription drugs, illness, or medical condition; or other factors that impair concentration and operation of a vehicle must report this incident to the Department manager or supervisor.

Failure of the Tulalip Tribes' authorized or designated driver to report all damages involving tribal vehicles owned, rented, leased, or otherwise, **as soon as possible after the occurrence, but no later than the next business day, may result in a major offense of Ordinance 84.** All accidents and incidents shall be reported to the *Licensing and Insurance program*.

3. Accident and Damage Reporting

A Tribal employee or non-employee involved in an accident, including and damage to a vehicle while the vehicle is moving or not moving, while operating a Tribal vehicle owned, rented, leased, or otherwise, must ensure that the following procedures are followed:

Stop and identify himself or herself to other party.

If this is not possible because the other party is not present, or if there is no other party because the accident is damage of any kind to the tribal vehicle, the following steps for reporting the accident/damage shall still be followed.

Complete the Tulalip Tribes Accident Report Form

The Tulalip Tribes Accident Form is attached to this policy and can be found in the glove compartment of the vehicle. Record the date, time, and location of the accident, names and address of occupants of other vehicle(s), description and license numbers of other vehicle(s) involved, the name of the driver's insurance company and policy number, and the names and addresses and telephone numbers of any witnesses. Describe how the accident happened and submit the **Accident Report Form immediately to the Licensing and Insurance program.**

Do **not** give any statements or discuss who is responsible for the accident with anyone other than the law enforcement authorities. If the accident is serious and/or there are bodily injuries, notify the Tulalip Tribes' Police Department, or, if off-reservation, the appropriate law enforcement agency.

SECTION IV VEHICLE MAINTENANCE

1. Maintenance of Assigned Vehicle

The Department manager shall ensure that any vehicle assigned or vehicle in possession of that Department shall be taken to the Tulalip Tribes' Auto Maintenance Department for regular scheduled maintenance which shall not exceed every three (3) months. The Auto Maintenance Department is responsible for vehicle maintenance of the Tulalip Tribes' motor vehicle fleet of passenger cars, trucks, and buses. If the car is inoperable or unsafe to drive, the driver must call the Auto Maintenance Manager stating the nature of the problem. The next course of action is to be determined by the Auto Maintenance Manager.

For emergency repair after normal work hours, the driver shall use his or her best judgment to get the vehicle repaired or to get it returned to the Tulalip Tribes assigned location of the vehicle. The driver shall ensure that their Department manager is informed of the vehicle problems and Need for repairs.

The user is responsible for keeping the assigned vehicle clean and reporting any vehicle malfunctions to the Auto Maintenance Department immediately.

2. Fuel Purchase

The driver shall ensure that the vehicle is adequately fueled before leaving. The person authorized to drive the vehicle will sign out a gas card from Auto Maintenance at the time they take the vehicle. They will sign that they received the "Motor Vehicle Usage Policy and Procedures" form. Upon return, they will return the gas card to the Auto Maintenance department. The bill will be monitored

for any EMBEZZLEMENT, or UNATHOURIZED USE. The person who signed out for the card is responsible for the card.

Action will be taken upon the person who signed out for the card if they lend, allow another employee, family member or other person to use the card. The person is also responsible if they allow another vehicle beside the one they were approved to drive, fuel up on The Tribal gas card.

If it is discovered that there are any discrepancies with the gas card bill, Auto Maintenance will be notified, and they will check to see who used the card for those days. H.R will be notified and disciplinary action will be processed per HRO 84 V.W. It is automatic termination for misuse or dishonest use of the gas cards.

THESE ARE ALL VIOLATIONS OF THE HRO.

If your card is loss, you have 24hours to report the card to Auto Maintenance so they can suspend the card and re-issue it. If this in not done we will process as though it was a misuse of tribal gas card.

SECTION V PURCHASE AND DISPOSAL OF VEHICLES

1. New Vehicle Purchase

The Department manager will submit a completed **New Vehicle Title, Registration and License Request Form B** of this policy and attach a copy of the Washington State title (or registration) to the **Licensing and Insurance program** who will then issue a Tulalip Tribal government title, registration, license plates, and insurance identification card. This process usually takes 3 to 5 days to obtain proper signatures. Once this process is complete, the Department manager will be notified immediately by phone call or email so that the driver may pick up the licensing package.

2. Vehicle Change to New Department

The **Licensing and Insurance program** must be notified before a Tribal government vehicle is being transferred to a new Tribal Department so as to update and issue a new title and registration to reflect which new Department the vehicle will be assigned. No tribal vehicle may be transferred to a new department until the title, registration and license plates are turned in to the **Licensing and Insurance program** who will then re-issue an updated title, registration, and license plates.

3. Vehicle Disposal

If a Tribal vehicle is deemed inoperable or beyond repair and the Tulalip Tribes opts to dispose of the vehicle, the Licensing and Insurance program must be immediately notified. Prior to disposal of vehicle, the Tribal title, registration, and license plates must be turned in to the **Licensing and Insurance program**.

4. Selling / Auctioning of Vehicles

If the Tulalip Tribes authorizes the sale, auction or transfer of a tribal vehicle, the Tribal government title, registration and license plates must be turned in to the **Licensing and Insurance program** immediately. A written memo shall document the authority for the vehicle sale, auction, or transfer of ownership. The **Licensing and Insurance program** will make appropriate changes to vehicle records to reflect that the vehicle was sold or auctioned and is no longer in the Tribes' possession. It is the responsibility of the Buyer / Bidder to replace and apply for a lost new vehicle title with the applicable licensing agency.

THE TULALIP TRIBES
Resolution No. 2010-330

Tulalip Tribes Revised Motor Vehicle Usage Policy and Procedures

WHEREAS the Board of Directors is the governing body of the Tulalip Tribes under the Constitution and Bylaws Article III., Sec. 1 of the Tribes and approved by the United States Commissioner of Indian Affairs and the Secretary of the Interior on January 24, 1936, pursuant to the Act of June 18, 1934 (48 Stat. 984, 25 U.S.C. §476); and

WHEREAS, the Tulalip Tribal government's vehicle fleet has grown substantially.

WHEREAS, it has become necessary to have more responsible usage and better accountability of Tribal vehicles.

WHEREAS, the attached Tulalip Tribes Revised Motor Vehicle Usage Policy and Procedures will govern the use of Tribal vehicles by Tribal employees and persons authorized to drive on behalf of the Tribes under their assigned duties.

BE IT RESOLVED, that the Board of Directors of the Tulalip Tribes hereby adopts the Tulalip Tribes Revised Motor Vehicle Usage Policy and Procedures which shall be applicable to all Tulalip Tribal departments, gaming enterprises, Quil Ceda Village and business entities.

ADOPTED by the Board of Directors of the Tulalip Tribes of Washington at a regular meeting assembled on the 10th of September, 2010, with a quorum present, by a vote of 5 for and 0 against.

THE TULALIP TRIBES OF WASHINGTON

Melvin R. Sheldon, Jr.
Melvin R. Sheldon, Jr., Chairman

ATTEST:

Marie Zackuse
Marie Zackuse, Secretary